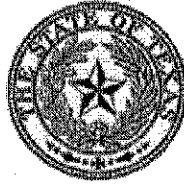


# TEXAS HOUSE OF REPRESENTATIVES

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**Lon Burnam**  
DISTRICT 90 • FORT WORTH

January 31, 2014

Dr. Bryan W. Shaw, Ph.D.  
Chairman  
Texas Commission on Environmental Quality  
Building F, MC 100  
P.O. Box 13087  
Austin, Texas 78711

Mr. Toby Baker  
Commissioner  
Texas Commission on Environmental Quality  
Building F, MC 100  
P.O. Box 13087  
Austin, Texas 78711

Re: Texas Commission on Environmental Quality  
Docket No. 2013-2210-IWD  
Permit No: WQ0004857000

Dear Commissioners,

I formally request that the Texas Commission on Environmental Quality (TCEQ) grant the contested case hearing request of Ms. Rose Gardner concerning the proposed wastewater discharge permit for the Waste Control Specialists, LLC (WCS) facility in Andrews County near the New Mexico border.

Though I understand that Ms. Gardner is a New Mexico resident, the TCEQ is the only entity with jurisdiction over the actual discharge of wastewater from WCS's facility. Its activities are not only of concern for Ms. Gardner, on the contrary, her worries are representative of concerns held by other Texas residents. I write this letter of support on behalf of the interests of Texans and will mention some of the reasons why.

My office has had concerns regarding WCS's operations for some time. Like this permit, one of my most recent concerns pertains to water. WCS's recent efforts to reduce its financial assurance and expand the volume of radioactive waste it is authorized to dispose of in its facility despite the presence of subterranean water adjacent to or near the facility's disposal areas. The cost of

operating and replacing the water pumps and water treatment mechanisms needed to remove and treat that water is a matter of public concern given that Texas taxpayers will be responsible for ensuring the protection of that waste in the future.

Though the location of WCS's facility is outside my district, this wastewater permit allows waste created in Texas and discharged within Texas's borders to flow into New Mexico, making this an interstate matter and one that is thus worthy of attention by all Texas legislators. This area sits above the Docum aquifer and is very near the Ogallala aquifer. This waste will be radioactive for thousands of years and it is the people of Texas who will be responsible for caring for that waste after WCS has exceeded its facility's operating life.

This is only one of my concerns regarding WCS. A contested hearing would allow affected individuals like Ms. Gardner to raise issues regarding the operations of WCS that pertain to the discharge of wastewater and the origin of this wastewater. This would clearly be in the public interest and I strongly advocate that the TCEQ recognize her standing as an affected person.

Best regards,

A handwritten signature in cursive script, appearing to read "Lon Burnam".

State Representative Lon Burnam